

# House File 202 - Reprinted

HOUSE FILE 202

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 79)

(As Amended and Passed by the House February 22, 2023)

## A BILL FOR

1 An Act relating to explosive materials including blasting  
2 agents, detonators, and destructive devices, providing  
3 penalties, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 101A.1, subsections 1 and 4, Code 2023,  
2 are amended to read as follows:

3 1. "*Blasting agent*" means any material or mixture consisting  
4 of a fuel and oxidizer, intended for blasting but not otherwise  
5 classified as an explosive, in which none of the finished  
6 products as mixed and packaged for use or shipment can be  
7 detonated by means of a number eight test blasting cap when  
8 unconfined. "Blasting agent" includes any material or mixture  
9 intended for blasting that meets the requirements of 49 C.F.R.  
10 pt. 173, subpt. C.

11 4. "*Explosive materials*" means explosives, ~~or~~ blasting  
12 agents, and detonators.

13 Sec. 2. Section 101A.1, Code 2023, is amended by adding the  
14 following new subsections:

15 NEW SUBSECTION. 2A. "*Destructive device*" means any of the  
16 following:

17 a. Any explosive, incendiary, chemical or biological poison,  
18 or poison gas which is any of the following:

19 (1) A bomb.

20 (2) A grenade.

21 (3) A rocket having a propellant charge of more than four  
22 ounces.

23 (4) A missile having an explosive or incendiary charge of  
24 more than one-quarter ounce.

25 (5) A mine.

26 (6) A booby trap.

27 (7) A Molotov cocktail.

28 (8) A bottle bomb.

29 (9) A vessel or container intentionally caused to rupture or  
30 mechanically explode by expanding pressure from any gas, acid,  
31 dry ice, or other chemical mixture.

32 (10) Any similar device, the primary or common purpose of  
33 which is to explode and to be used as a weapon against any  
34 person or property.

35 b. Any combination of parts designed or intended to be

1 converted into a destructive device as defined in paragraph "a".

2     c. The term "*destructive device*" does not include any of the  
3 following:

4     (1) A device that is neither designed nor redesigned for use  
5 as a weapon to be used against person or property.

6     (2) A device, originally designed for use as a weapon,  
7 that is redesigned for use as a signaling, pyrotechnic,  
8 line-throwing, safety, or similar device.

9     (3) A surplus ordnance sold, loaned, or given by the  
10 secretary of the army pursuant to 10 U.S.C. §4684(2), 4685, or  
11 4686.

12     (4) Any device the state fire marshal determines is not  
13 likely to be used as a weapon or that is an antique.

14     (5) Any device possessed under circumstances negating an  
15 intent that the device be used as a weapon against any person  
16 or property.

17     NEW SUBSECTION. 2B. "*Detonator*" means any device containing  
18 an initiating or primary explosive that is used for initiating  
19 detonation. Excluding ignition or delay charges, a detonator  
20 shall not contain more than ten grams of explosive material  
21 per unit. "*Detonator*" includes an electric detonator of  
22 instantaneous or delay type, a detonator for use with safety  
23 fuses, a detonating cord delay connector, and a nonelectric  
24 detonator or instantaneous or delay type which consists of  
25 a detonating cord, shock tube, or any other replacement for  
26 electric leg wires.

27     Sec. 3. Section 712.5, Code 2023, is amended by striking the  
28 section and inserting in lieu thereof the following:

29     **712.5 Reckless use of fire, explosives, or destructive**  
30 **devices.**

31     Any person who uses fire, explosives, or destructive devices  
32 to recklessly endanger the property or safety of another shall  
33 be guilty of a serious misdemeanor.

34     Sec. 4. Section 712.6, Code 2023, is amended to read as  
35 follows:

1     **712.6 Explosive materials or ~~incendiary materials~~ or**  
2 **destructive devices.**

3     1. A person who possesses any ~~incendiary or~~ explosive device  
4 ~~or material or~~ destructive device with the intent to use such  
5 device or material to commit a public offense shall be guilty  
6 of a class "C" felony.

7     2. a. A person who possesses any ~~incendiary or~~ explosive  
8 ~~device or material or~~ destructive device shall be guilty of an  
9 aggravated misdemeanor.

10    b. ~~This subsection~~ does not apply to a person holding a  
11 valid commercial license or user's permit issued pursuant to  
12 chapter 101A, provided that the person is acting within the  
13 scope of authority granted by the license or permit.

14    3. A person who, with the intent to intimidate, annoy, or  
15 alarm another person, places a simulated explosive or simulated  
16 ~~incendiary destructive device in or near an occupied structure~~  
17 ~~as defined in section 702.12~~ a place that the person reasonably  
18 believes is likely to cause public alarm or inconvenience, is  
19 guilty of a serious misdemeanor.

20    4. A person who uses any explosive material or destructive  
21 device to commit any public offense or who possesses any  
22 explosive material or destructive device during the commission  
23 of a felony shall be guilty of a class "C" felony.

24    Sec. 5. NEW SECTION. 712.10 **Destructive device.**

25    For purposes of this chapter, "*destructive device*" means the  
26 same as defined in section 101A.1.

27    Sec. 6. Section 724.1, subsection 1, paragraph c, Code 2023,  
28 is amended to read as follows:

29    c. ~~A bomb, grenade, or mine, whether explosive, incendiary,~~  
30 ~~or poison gas; any rocket having a propellant charge of more~~  
31 ~~than four ounces; any missile having an explosive charge of~~  
32 ~~more than one-quarter ounce; or any device similar to any of~~  
33 ~~these~~ A destructive device as defined in section 101A.1.

34    Sec. 7. Section 727.2, subsection 3, Code 2023, is amended  
35 by adding the following new paragraph:

1     NEW PARAGRAPH.   *d.*   Any retailer or community group offering  
2 for sale at retail any consumer fireworks shall do so in  
3 accordance with the national fire protection association  
4 standard 1124, published in the code for the manufacture,  
5 transportation, storage, and retail sales of fireworks and  
6 pyrotechnic articles, 2006 edition, and shall not be subject to  
7 any other standards or requirements unless provided for by the  
8 state fire marshal under section 100.19.

9     Sec. 8.   EFFECTIVE DATE.   This Act, being deemed of immediate  
10 importance, takes effect upon enactment.